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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/019,083	12/26/2001	Julian wieslaw Oledzki		1910

7590 12/23/2003  
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EXAMINER

SPISICH, GEORGE D

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/019,083

Applicant(s)

OLEDZKI, JULIAN WIESLAW

Examiner

George D. Spisich

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-19 is/are pending in the application.
- 4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

***Election/Restrictions***

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Applicant's election with traverse of Species A in Figures 1 and 2 in Paper No. 5 is acknowledged.

With respect to Applicant's argument that there is "No Lack of Unity of Invention", and that the special technical feature is obviously not just the inclusion of an eccentric connection (page 12 of amendment filed September 24, 2003), Examiner has combined Species A-D and maintains that Species A-D and Species E differ in their mounting or assembled arrangement. The inclusion of an eccentric connection in a vehicle suspension arrangement is not a new inventive concept and therefore, the mounting or assembled arrangements described in Species A-D and Species E are considered different inventive concepts. Examiner maintains that this election is proper. Claim 11 is generic to Species A-D. Given this, the examiner has examined claims 11-17 that read on Species A-D.

Claims 18 and 19 are withdrawn from consideration as being directed to a non-elected invention. The inclusion of a slider element in claims 18 and 19 (Fig. 7, Species E) is not present in the elected Species A. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Specification***

The disclosure is objected to because of the following informalities:

On at least page 5, lines 22, 23 and 25 of the specification, there is disclosed an axis OW, axis OD, symmetry axis OC, and symmetry axis OM. These axes are not shown in the Figures.

Examiner would like to note that the "Discussion" portion in the amendment filed September 24, 2003 is relied on for informational purposes only and is not considered to be part of the original disclosure. Examiner reminds Applicant that only subject matter in the original specification is considered as Applicant's invention, and any new matter having no relation to the invention disclosed in the original specification will not be considered.

The substitute specification filed September 24, 2003 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: it does not include a marked-copy of the changes made.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the various axes as described in at least page 5, lines 22-25 of the specification. Any

structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

The following are examples of unclear language:

In claim 11, line 2, "at least 3 kinematic pairs" is unclear.

In claim 11, line 6, "on the vehicle wheel flex" is unclear.

Claims 14-17 are unclear. Only species in Figs. 1-4 and 6 show both details as claimed in claims 14 and 15, lines 3 and 4, or claim 16, lines 3-5. Therefore, to depend this structure also from claim 13 is improper. The embodiment in Figure 5 does not show the spring attached to the vehicle frame, or the disc (claim 14) or shaft (claim 15) fixed to one end of the spring, therefore this language cannot be used in a claim that depends from claim 13 (which relates to Fig. 5)

Claims 14-15 recites the limitation "the body" in line 4. There is insufficient antecedent basis for this limitation in the claim. A second four-link mechanism has not been claimed, and as currently claimed, "the body" would refer to the body of the original four-link mechanism.

Similarly, claim 16, line 4, "the shaft" has the same issues. The end of the spring is fixed to the shaft of a second four-link mechanism.

Furthermore, it is unclear to say that the one end of the spring is "coupled to the disc (D)" (as in claim 14) and the other end of the spring is "fixed to a second body (K)", if both ends of the spring have the same connection.

Claim 16 recites the limitation "the flange (Z)" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 17, line 3 is unclear. The U-shaped torsion bar must be related to the spring claimed in claim 11. Suggested language is below.

Furthermore, in claim 16, lines 1 and 2, it is unclear to claim "the shaft is fastened to the vehicle frame through the flange (Z)". Possible language is: - - shaft

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(W) is coupled to the body (K), the body (K) having a flange (Z) and the body (K) is fastened to the vehicle frame at the flange (Z) - -.

~~The following are claims 11-17 rewritten as allowable claims 20-26::~~

Claim 20. A vehicle suspension system comprising a spring and at least one four-link mechanism, at least three of the links are rotationally coupled links which are able to move with respect to the remainder of the four-link mechanism, wherein a first one of said links of said mechanism is coupled with a vehicle wheel, a second one of said links is coupled with a spring, and the entire four-link mechanism is fastened to a vehicle frame through a third one of said links of said mechanism, to obtain non-linear deformation of the spring with vertical movement of the wheel, wherein three of said links are eccentric in form, whereby one of said links of said four-link mechanism is a shaft with an eccentric form, the eccentric form being coupled rotationally with a fourth link of said four-link mechanism, which is an intermediate eccentric link, the latter being coupled rotationally with the second one of said links, which is a disc, wherein said shaft and the disc pivot within the body of the third one of said links of said four-link mechanism.

Claim 21. A vehicle suspension according to claim 20, characterized in that the axes of rotation of all the rotationally coupled links are parallel to each other.



Claim 22. A vehicle suspension according to claim 20, characterized in that the axes of rotation of all the rotationally coupled links of the suspension mechanism intersect at precisely one point P, to obtain a required position of the spring relative to the vehicle wheel.

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Claim 23. A vehicle suspension system according to claim 21, characterized by said body of said third link being fastened to the vehicle frame and said shaft being rigidly coupled with a wheel arm and wherein the disc is coupled to one end of the spring and the other end of the spring is fixed to the body of a link of a second four-link mechanism or fixed directly to the vehicle frame.

Claim 24. A vehicle suspension system according to claim 21, characterized by said body of said third link being fastened to the vehicle frame and said disc being rigidly coupled with a wheel arm and said shaft being coupled to one end of the spring and the other end of the spring is fixed to the body of a link of a second four-link mechanism or fixed directly to the vehicle frame.

Claim 25. A vehicle suspension system according to claim 21, characterized by said shaft (W) being coupled to the body, the body having a flange and the body is fastened to the vehicle frame at the flange, said intermediate eccentric link being coupled rigidly with a vehicle wheel arm, and said body of the third one of the links

being coupled rigidly with one end of the spring, and the other end of the spring is fixed to the shaft of a second four-link mechanism or directly to the vehicle frame.

Claim 26. A vehicle suspension system according to claim 21, characterized by the body of the third one of said links being fastened to the vehicle frame, said shaft being coupled rigidly with a vehicle wheel arm, and the intermediate eccentric link being coupled with one end of the spring, and the spring being a U-shaped torsion bar, with the other end of the spring fixed to the intermediate eccentric of a second four-link mechanism which is part of a suspension arrangement of a second wheel.

The above changes and suggestions are suggested to overcome the 112 rejections made above. To reiterate, the dependencies of claims 14-17 (which have been renumbered 23-26) have been changed to only depend from claim 12 (renumbered 21) since the embodiment in claim 13 conflicts with the structure claimed in claims 14-17. The location of the links with respect to the spring in claims 14-17 is not supported by the embodiment in Fig. 5 (claim 13).

The previous claim language is merely a suggestion to the Applicant. It is Applicant's responsibility to further review the claims and amend the claims such that there is no confusion between different species and the claimed subject matter of a particular claim and any claimed structure of any preceding claims from which that claim depends.

***Allowable Subject Matter***

Claims 11-17 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

~~Proposed claims 20-26 are allowable over the prior art of record. The examiner~~  
suggests canceling claims 11-17 and submitting new claims 20-26. Note that claims 18-19 should be cancelled.

Prior Art does not show a vehicle suspension with a four-link mechanism, three of which are eccentric forms rotationally coupled with the remainder of the four-link mechanism arranged as claimed in the manner of rewritten claim 11.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Henschen (USPN 3,436,069), Kober (USPN 3,687,479), Sakow et al. (USPN 3,844,583), Kirkland (USPN 4,010,941), Aubry et al. (USPN 4,488,736), Wharton (USPN 4,744,588), Cromley Jr. (USPN 5,326,128), Lee (USPN 5,374,075), Bartolone (USPN 6,176,501), DT 23 32 387 A1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George D. Spisich whose telephone number is (703)

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305-6495. The examiner can normally be reached on Monday to Friday 6:00-3:30 except alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number

~~for the organization where this application or proceeding is assigned is (703) 872-9326.~~

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Gds  
December 11, 2003

  
PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
12/17/03